

The Senate Regulated Industries and Utilities Committee offered the following substitute to SB 137:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to the local authorization and regulation of sales of alcoholic beverages on Sunday, so as to provide that in each county or municipality in which package sales of certain alcoholic beverages by retailers are lawful, the governing authority of the county or municipality, as appropriate, may authorize package sales by a retailer of such alcoholic beverages for any period of time on Sundays from 12:00 Noon until 12:00 Midnight, if approved by referendum; to provide procedures; to provide for applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to the local authorization and regulation of sales of alcoholic beverages on Sunday, is amended by adding new subsections to read as follows:

"(p)(1)(A) As used in this subsection, the term 'Sunday sales' means package sales by retailers of malt beverages and wine for any period of time on Sundays from 12:00 Noon until 12:00 Midnight.

(B) In each county or municipality in which package sales of malt beverages and wine by retailers are lawful, but package sales of distilled spirits by retailers are not lawful, the governing authority of the county or municipality, as appropriate, may authorize Sunday sales under this subsection if such Sunday sales of malt beverages and wine are approved by referendum as provided in paragraph (2) of this subsection.

(2) Any governing authority desiring to permit and regulate Sunday sales pursuant to paragraph (1) of this subsection shall by proper resolution or ordinance call for such a referendum election. Upon receipt of the resolution or ordinance, the election superintendent shall issue the call for an election for the purpose of submitting the question of Sunday sales pursuant under this subsection to the electors of that county or

1 municipality for approval or rejection. The election superintendent shall issue the call
2 and shall conduct the election on a date and in the manner authorized under Code Section
3 21-2-540. The election superintendent shall cause the date and purpose of the election
4 to be published once a week for two weeks immediately preceding the date of the election
5 in the official organ of the county. The ballot shall have written or printed thereon the
6 words:

7 '() YES Shall the governing authority of (name of county or municipality) be
8 authorized to permit and regulate package sales by retailers of malt
9 () NO beverages and wine for any period of time on Sundays from 12:00 Noon
10 until 12:00 Midnight?'

11 All persons desiring to vote for approval of such Sunday sales shall vote 'Yes,' and all
12 persons desiring to vote for rejection of such Sunday sales shall vote 'No.' If more than
13 one-half of the votes cast on the question are for approval of such Sunday sales, then the
14 governing authority shall be authorized to permit and regulate such Sunday sales through
15 the issuance of licenses and the passage of resolutions or ordinances. The expense of the
16 election shall be borne by the county or municipality in which the election is held. The
17 election superintendent shall canvass the returns, declare the result of the election, and
18 certify the result to the Secretary of State.

19 (3) If the election held pursuant to paragraph (2) of this subsection results in the approval
20 of Sunday sales under this subsection, the governing authority of the county or
21 municipality shall be authorized to provide by the issuance of licenses and the passage
22 of resolutions or ordinances all provisions concerning Sunday sales under this subsection,
23 except where otherwise provided by state law. The governing authority shall at any time
24 be authorized to adjust the period between 12:00 Noon and 12:00 Midnight during which
25 such sales on Sundays may be permitted within its jurisdiction by the adoption of an
26 appropriate resolution or ordinance.

27 (4) Following the expiration of one year after any election is held which results in the
28 disapproval of Sunday sales, another election on this question shall be held if the
29 governing authority, as provided in paragraph (2) of this subsection, forwards a proper
30 resolution or ordinance to the election superintendent calling for such a referendum.

31 (5) In any county or municipality which has at any time held an election in accordance
32 with paragraph (2) of this subsection resulting in the majority of the votes being cast in
33 favor of Sunday sales under this subsection, the election superintendent of the county or
34 municipality, upon receipt of a proper resolution or ordinance of the governing authority
35 or upon receipt of a written petition signed by at least 35 percent of the registered
36 qualified voters or the county or municipality, shall proceed to call another election for

1 the purpose of nullifying the previous election in the same manner as prescribed in
2 paragraph (2) of this subsection.

3 (6) Whenever Sunday sales are permitted by a county or municipality pursuant to this
4 subsection, such sales shall be made only by licensed retailers licensed to sell by the
5 package.

6 (7) The provisions of this subsection are in addition to and not in lieu of any other
7 provisions of this title relative to the sale of malt beverages and wine by retailers.

8 (q)(1)(A) As used in the subsection, the term 'Sunday sales' means package sales by
9 retailers of malt beverages, wine, and distilled spirits for any period of time on Sundays
10 from 12:00 Noon until 12:00 Midnight.

11 (B) In each county or municipality in which package sales of malt beverages, wine,
12 and distilled spirits by retailers are all lawful, the governing authority of the county or
13 municipality, as appropriate, may authorize Sunday sales under this subsection if such
14 Sunday sales are approved by referendum as provided in paragraph (2) of this
15 subsection. Pursuant to this subsection, the governing authority in each county or
16 municipality in which package sales of malt beverages, wine, and distilled spirits are
17 all lawful may not seek authorization to permit and regulate package sales on Sundays
18 of only one type of these alcoholic beverages; instead, the governing authority may
19 only seek authorization of package sales by retailers of all three types of these alcoholic
20 beverages.

21 (2) Any governing authority desiring to permit and regulate Sunday sales, pursuant to
22 paragraph (1) of this subsection, shall by proper resolution or ordinance call for such a
23 referendum election. Upon receipt of the resolution or ordinance, the election
24 superintendent shall issue the call for an election for the purpose of submitting the
25 question of Sunday sales to the electors of that county or municipality for approval or
26 rejection. The election superintendent shall issue the call and shall conduct the election
27 on a date and in the manner authorized under Code Section 21-2-540. The election
28 superintendent shall cause the date and purpose of the election to be published once a
29 week for two weeks immediately preceding the date of the election in the official organ
30 of the county. The ballot shall have written or printed thereon the words:

31 '() YES Shall the governing authority of (name of county or municipality) be
32 authorized to permit and regulate package sales by retailers of malt
33 () NO beverages, wine, and distilled spirits for any period of time on Sundays from
34 12:00 Noon until 12:00 Midnight?'

35 All persons desiring to vote for approval of Sunday sales shall vote 'Yes,' and all persons
36 desiring to vote for rejection of Sunday sales shall vote 'No.' If more than one-half of the
37 votes cast on the question are for approval of such Sunday sales, then the governing

1 authority shall be authorized to permit and regulate such Sunday sales through the
2 issuance of licenses and the passage of resolutions or ordinances. The expense of the
3 election shall be borne by the county or municipality in which the election is held. The
4 election superintendent shall canvass the returns, declare the result of the election, and
5 certify the result to the Secretary of State.

6 (3) If the election held pursuant to paragraph (2) of this subsection results in the approval
7 of Sunday sales under this subsection, the governing authority of the county or
8 municipality shall be authorized to provide by the issuance of licenses and the passage
9 of resolutions or ordinances all provisions concerning Sunday sales under this subsection,
10 except where otherwise provided by state law. The governing authority shall at any time
11 be authorized to adjust the period between 12:00 Noon and 12:00 Midnight during which
12 such sales may be permitted on Sundays within its jurisdiction by the adoption of an
13 appropriate resolution or ordinance.

14 (4) Following the expiration of one year after any election is held which results in the
15 disapproval of Sunday sales, another election on this question shall be held if the
16 governing authority, as provided in paragraph (2) of this subsection, forwards a proper
17 resolution or ordinance to the election superintendent calling for such a referendum.

18 (5) In any county or municipality which has at any time held an election in accordance
19 with paragraph (2) of this subsection resulting in the majority of the votes being cast in
20 favor of Sunday sales under this subsection, the election superintendent of the county or
21 municipality, upon receipt of a proper resolution or ordinance of the governing authority
22 or upon receipt of a written petition signed by at least 35 percent of the registered
23 qualified voters of the county or municipality, shall proceed to call another election for
24 the purpose of nullifying the previous election in the same manner as prescribed in
25 paragraph (2) of this subsection.

26 (6) Whenever Sunday sales are permitted by a county or municipality pursuant to this
27 subsection, such sales shall be made only by licensed retailers licensed to sell by the
28 package.

29 (7) The provisions of this subsection are in addition to and not in lieu of any other
30 provisions of this title relative to the sale of malt beverages, wine, and distilled spirits by
31 retailers."

32 SECTION 2.

33 All laws and parts of laws in conflict with this Act are repealed.